

comparing the desired attenuation value to the actual attenuation value to determine an attenuation error; and

adjusting the filter response based on the attenuation error.

REMARKS/ARGUMENTS

In the above referenced Office Action, the Examiner rejected claims 1-8, 11-21, 24-26 under 35 USC § 102(b) as being anticipated by Smith (U.S. Patent No. 6,014,554). Claims 8, 10, 21 and 23 have been amended to more distinctly claim and particularly point out Applicants' invention. Claims 1-7, 9, and 14-20, have been canceled without prejudice to the subject matter contained therein. No new matter has been added. These rejections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 8, 10-13, 21, 23-26.

Claims 9, 10, 22, 23 were objected to as being dependant upon a rejected base claim, but indicated as being allowable if rewritten in independent form. Claim 8 has been rewritten to incorporate claim 9. Claim 21 has been rewritten to incorporate claim 22. Applicant thus believes that claims 8 and 21, and the claims that depend therefrom, are patentably distinct from the prior art.

For the foregoing reasons, the applicant believes that claims 8, 10-13, 21, 23-26 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

No additional fee is due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No.50-2126.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF MAILING
37 C.F.R 1.8

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